

NO. 25344

IN THE SUPREME COURT OF THE STATE OF HAWAII

HAWAII VENTURES, LLC, Plaintiff-Appellants, Cross-Appellee,

vs.

OTAKA, INC.; TAKAO BUILDING CO., LTD., formerly known as Takao Building Development co., Ltd.; K. DAINI SEVEN; YUKIO TAKAHASHI; HAWAIIAN WAIKIKI BEACH, INC.; ALAKA'I MECHANICAL CORPORATION; HEWLETT-PACKARD COMPANY; HAWAII ENERGY MANAGEMENT CO., LL.,
Defendants-Appellees, Cross-Appellants,

and

BUSINESS MANAGEMENT GROUP, INC.; BEACH SNACK EXPRESS, INC.; JOHN DOES 1-50, JANE DOES 1-50, DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 2-50, DOE ENTITIES 1-50 and DOE GOVERNMENTAL UNITS 1-50, Defendants,

and

ILWU LOCAL 142 AFL-CIO, and THEODORE H. SMYTH, Trustee, SMYTH FAMILY TRUSTS, Intervenor Defendants-Appellees, Cross-Appellants,

and

ARGONAUT INSURANCE COMPANY,
Intervenor Defendant-Appellee, Cross-Appellee,

OTAKA, INC., and HAWAIIAN WAIKIKI BEACH, INC.,
Counterclaimants-Appellees, Cross-Appellants,

vs.

LEUCADIA NATIONAL CORPORATION, Additional Counterclaim Defendant,

PATRICIA KIM PARK, Receiver-Appellee, Cross-Appellee.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-2427)

ORDER GRANTING INTERVENOR-DEFENDANT AND
COUNTERCLAIMANT THEODORE H. SMYTH'S MOTION FOR
ORDER DISMISSING NOTICE OF CROSS-APPEAL AS PREMATURE
(By: Moon, C.J., Levinson, Nakayama and Acoba, JJ.,
and Circuit Judge Milks, assigned by reason of vacancy)

Upon consideration of Cross-Appellant Theodore H. Smyth's motion for order dismissing notice of cross-appeal as premature, the papers in support, and the records and files herein, it appears that: (1) on September 23, 2003, Appellant Hawaii Ventures, Ltd. filed a notice of appeal; (2) on October 7, 2002, Cross-Appellant Smyth filed a notice of cross-appeal listing several interlocutory orders he was appealing from; and (3) on January 13, 2003, this court issued an order limiting the appeal and indicating that the orders listed in Cross-Appellant Smyth's notice of appeal were not appealable at the time. Therefore,

IT IS HEREBY ORDERED that Cross-Appellant Theodore H. Smyth's motion for order dismissing notice of cross-appeal as premature is granted, and Cross-Appellant Theodore H. Smyth's cross-appeal is dismissed.

DATED: Honolulu, Hawai'i, July 7, 2003.

Francis P. Hogan
for intervenor defendant-appellee,
cross-appellant Theodore H. Smyth